IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5278 OF 1997

DATED: 01.02.2006

Between:

M.Kistaiah petitioner

And

The Managing Director,

APSRTC, Hyderabad and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 5278 OF 1997

ORAL ORDER:

The petitioners who are working as conductors in Medak Depot, filed the present writ petition questioning the action of the respondents in not granting seniority and placing them as junior most in the seniority list of conductors in Medak Depot on the ground that they opted for
inter-region transfer.

The case of the petitioners is that they were appointed as Conductors in Medak

Depot under special employment scheme for scheduled caste and scheduled Tribes in the year 1979, and later they were transferred from Medak Depot to Nizamabad depot. At the time of their transfer, Medak Depot was within Nizamabad division and Karimnagar Region. While so, the Corporation issued circular No.P1/541(5)/80-PD dated 17.02.1981 calling for options from employees for transfer from Medak to Nizamabad. Based on their options, they were transferred to Nizamabad. Thereafter, the Medak division was formed consisting of some of the depots of the erstwhile Nizamabad division and the Medak division was brought under Golkonda Region, deleting the same from the Karimnagar Region. While so, in the year 1985, the petitioners herein requested for transfer from Nizamabad to Medak Depot and accordingly, they were transferred to Medak depot and placed as junior most conductors on the ground that they have opted for
inter-region transfer. The petitioners contend that as they belong to Medak depot and are entitled to seniority from the date of their initial appointment, filed the present writ petition.

Learned counsel for the petitioners submitted that the petitioners were initially appointed in Medak Division and the respondent- Corporation has kept the Circular dated 17.02.1981 in dark and the petitioners could not exercise their option and now they are being treated as juniors and deprived of seniority, and juniors to them are being allotted “express” service.

A counter affidavit was filed admitting the appointment of the petitioners under Special Employment Scheme in Medak District in the year 1979 and stating that till August 1985 all the petitioners were working as Conductors in Nirmal Depot in Adilabad district and were transferred at their instance to Medak division on filing an undertaking that they would forego their seniority in their respective parent divisions. It is thus contended that the petitioners having given an undertaking under Regulation 3 and 9 of A.P. State Road Transport Corporation Employees (Service) Regulations, 1964, and having joined the duty at Medak division, cannot claim seniority in the Medak division from the date of their initial appointment. The allegation of the petitioners that the circular of the Corporation dated 17.02.1981 was kept in dark was specifically denied and it is stated that the circulars issued by the Corporation are being exhibited on the notice boards of the Depot Manager’s office and at Traffic Section. The averment that the petitioners were appointed in Medak division was denied and it is stated that they were transferred to Medak division on

loss of seniority. It is specifically stated that when options were called for, the petitioners have not exercised their options and others who have exercised their options were accommodated as per their options.

The allegation of the petitioners that the circular calling for options was kept in dark, cannot be accepted inasmuch the petitioners being employees of the corporation, are expected to be aware of the circulars issued by the respondent- Corporation from time to time. Admittedly, the petitioners have not exercised their options and they were transferred to Medak division at their instance on filing undertakings that they would forego their seniority. Thus, the transfer of the petitioners to Medak division is purely a conditional transfer at their instance. The petitioners having failed to exercise their option and having joined the duty pursuant to conditional transfer cannot claim seniority from the date of their initial appointment.

For the foregoing reasons, the writ petition fails and the same is, accordingly, dismissed. No costs.

N.V.RAMANA,J

DATE: 01.02.2006

TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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